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Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

STEPHEN RAHER,

09-CV-526-ST

Plaintiff,

v.

DECLARATION OF THOMAS SMITH

FEDERAL BUREAU OF PRISONS.

Defendant.

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UNITED STATES DISTRICT COURT

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STEPHEN RAHER,

CV 09-526-ST

Plaintiff,

DECLARATION OF THOMAS SMITH

v.

FEDERAL BUREAU OF PRISONS.

Defendant.

I, Thomas Smith, declare and state as follows:

1. I am employed by Federal Bureau of Prisons (BOP). My current position is Assistant Correctional Services Administrator for the BOP. I have served in my current position since November 2008. I have been employed by the BOP since September 1988. My office is physically located in Washington, D.C. As Assistant Correctional Services Administrator, my major responsibilities include management development and review of

national Correctional Services policies. I address institution security and general Correctional Services issues. I also provide technical advise to the field regarding the intention and interpretation of policy once issued.

2. Based upon my experience and knowledge gained as Correctional Services Assistant Administrator with the BOP, information pertaining to correctional services staffing patterns, the Correctional Services Manual and the Transportation of Prisoners's Manual is information that should not be released to the public.

3. When the BOP receives authority from Congress to activate an institution, it is allocated a set number of positions for that institution. The allocated positions are all-inclusive and cover every position deemed necessary for the safe and efficient operation of the facility. Allowing inmates access to documents that detail staffing information provides them with opportunities to identify staffing patterns and areas of the institution which may or may not be manned 24/7. Access to this information would give inmates the opportunity to identify areas within the institution which may be more conducive to committing assaults, introducing or moving contraband, undetected. It is important to note that the management of correctional positions is not unique to the BOP. State, local and private corrections are faced with these same security issues. Release of staff patterns could help to identify potential areas of staffing vulnerabilities, such as post coverages and/or departmental staffing strengths which could help to effectuate escapes, assaults, contraband introduction, and other criminal activities.

4. The BOP does not release our Correctional Services Manual or the Transportation of Prisoners Manual to the public. Our manuals contain procedures utilized

by the BOP regarding, security of control centers, escape prevention plans, control of keys and locks within the prison, and instructions regarding transportation of federal prisoners. The BOP maintains strict restrictions on these manuals. In order for the Federal Bureau of Prisons to be able to secure these criminals and ensure the safety and security of the public, we must have internal procedures for security of our control centers, transporting prisoners, defensive equipment maintained in a correctional facility.

5. The BOP does not release to the public our physical security plans, blue prints, architectural floor plans, door and key lock specifications, ceiling plans, and any information on the internal physical structure of a BOP correctional facility. Release of this type of information to the public, or inmates, would seriously jeopardize the secure confines of these facilities. By releasing this type of information, inmates would be able to locate internal crawl spaces, venting spaces, door, wall and window dimensions, electronic security device locations, etc. and thus, would facilitate escapes, disturbances, and destruction of government property. Release of such information could lead to circumventing law enforcement efforts aimed at preventing escapes, and maintaining secure and safe correctional facilities.

6. Correctional facilities such as state and local corrections, private corrections, immigration and detention facilities, would also be faced with these serious security concerns if their staffing patterns, internal security manuals and physical plant information are released.

7. The BOP is tasked with ensuring the safety and security of federal inmates. Release of the information pertaining to staffing patterns, internal security manuals and

physical plant of those private correctional facility contractors tasked with the duty to secure federal BOP inmates, causes great concern to the BOP. If this information is released, it could lead to escapes, disturbances or destruction of correctional facilities housing federal inmates.

8. I declare under penalty of perjury that the foregoing is true and correct. 28
U.S.C. § 1746.

EXECUTED on this 27th day of October, 2010.


THOMAS SMITH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 5, 2010, I made service of foregoing:

SECOND SUPPLEMENTAL DECLARATION OF THOMAS SMITH, by placing a copy in a first-class postage paid envelope in Portland, Oregon, for delivery via U.S. mail to the addresses set forth below:

Stephen Raher
P.O. Box 15189
Portland, OR 97293-5189
Phone: 503-235-8446

Pro Se

/s/ Deanne Bateson
DEANNE Bateson
Legal Assistant
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